

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Norris Allen Martin,	)	
	)	Civil Action No.: 5:13-cv-00693-TLW
Plaintiff,	)	
v.	)	
	)	
F. Emory Rush, investigator; Michael R.	)	
Culler, Jr., Defense Attorney; Jack	)	
Coleman, Detective; Walter M. Bailey,	)	
Solicitor; Lisa W. Mizell, Clerk of	)	
Court; L. Clark Whetstone, investigator;	)	
Peggy D. Davis, Judge; J. Frank	)	
Quatterbaum, Solicitor; Barry Mock,	)	
SCDC Director Inmate Records; Ted	)	
Shealy, SLED lab; James C. Williams,	)	
Jr., Judge; Rosalyn Frierson, Director,	)	
Court Admin.; Richard Murray, Judge;	)	
Barbara Walters, Detective; Thomas W.	)	
Behrman, M.D.; Robert N. Milling,	)	
M.D.; Henry D. McMaster, Former	)	
Attorney General; Costa Pleciones,	)	
Judge; Christopher J. Murphy, Assistant	)	
Solicitor; Boone Walters, Police Chief,	)	
and E. Charles Grose, Jr., Defense	)	
Attorney,	)	
	)	
Defendants.	)	
	)	

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**ORDER**

The Plaintiff, Norris Allen Martin (“plaintiff”), an inmate incarcerated at Lee Correctional Institution, brought this action, *pro se* and *in forma pauperis*, on March 15, 2013, pursuant to 42 U.S.C. § 1983. (Doc. #1).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on April 24, 2013 by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned. (Doc. #8). In the Report, the Magistrate Judge recommends that the above-captioned case be dismissed in its entirety without prejudice and

without issuance and service of process. The plaintiff filed objections to the Report on May 6, 2013. (Doc. #13).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the plaintiff's objections. After careful consideration of the Report and objections thereto, the Court **ACCEPTS** the Magistrate Judge's Report and Recommendation. (Doc. #8).

Accordingly, for the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the above-captioned case be and is **DISMISSED** in its entirety without prejudice and without issuance and service of process. It is **FURTHER ORDERED** that Plaintiff's Motion for Discovery filed on May 16, 2013 is hereby deemed **MOOT**. (Doc. #15).

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Chief United States District Judge

May 23, 2013  
Columbia, South Carolina